



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Yoshiaki UMEHARA

Appln. No. : 09/695,874

Filed : October 26, 2000

For : CALIPER BODY AND METHOD OF MANUFACTURING CALIPER
BODY OF VEHICULAR DISC BRAKE

REQUEST FOR REFUND

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop _____
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

Applicant respectfully requests a refund in the amount of \$120.00 that was charged to our Deposit Account No. 19-0089 on October 20, 2005 in connection with the filing of the Appeal Brief under 37 C.F.R. 41.37(a) on October 14, 2005.

The basis for this Request for Refund is that the Appeal Brief was filed in timely manner, i.e., within one month of the mailing of the Notice of Panel Decision from Pre-Appeal Brief Review. Attached hereto is a photocopy of the Notice of Panel Decision from Pre-Appeal Brief Review, mailed September 15, 2005. Also attached hereto is the date-stamped receipt evidencing the timely submission of the Appeal Brief.

Respectfully submitted,
Yoshiaki UMEHARA

Andrew M. Calderon
Registration No. 38,093

November 8, 2005
M & BERNSTEIN, P.L.C.


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Deep Ref

PATENT & TRADEMARK OFFICE

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US PATENT & TRADEMARK OFFICE

Application Number 	Application/Control No. 09/695874	Applicant Umebara et al.	
	Examiner: Melody Burch	Art Unit 3683	Patent under Reexamination
Document Code - AP.PRE.DEC			

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 7/22/05.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: 6-11, 13-16, 18-28
 Claim(s) withdrawn from consideration: _____

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) _____

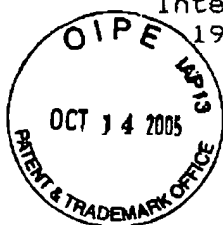
(2) Melody Burch MB

(3) Charles Marmor CM

(4) Thomas Williams TW

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GREENBLUM & BERNSTEIN, P.L.C.
Intellectual Property Causes
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191



10/14/2005

File In: Mailroom

The Patent Office Date stamp hereon is an acknowledgement that, on the date indicated, the Patent Office received the following:

- Appel Brief under 37 C.F.R. 41.32(a)*
- | | |
|---|--|
| <input checked="" type="checkbox"/> Amendment under 37 C.F.R. 41.32(a) | <input type="checkbox"/> Claim of Priority & Certified Copy of _____ |
| <input type="checkbox"/> Executed Assignment and cover letter | <input type="checkbox"/> Declaration <input type="checkbox"/> Executed |
| <input type="checkbox"/> Executed S.E.S. <input type="checkbox"/> S.E.S. Assertion | <input type="checkbox"/> Unexecuted |
| <input type="checkbox"/> Req. for Ext. of Time | <input type="checkbox"/> Copy from parent |
| <input checked="" type="checkbox"/> Fee Filing <input type="checkbox"/> | <input checked="" type="checkbox"/> Transmittal Letter |
| Recording <input type="checkbox"/> | <input type="checkbox"/> Patent Application |
| Issue <input type="checkbox"/> | <input type="checkbox"/> Provisional <input type="checkbox"/> Reexam |
| Extension <input type="checkbox"/> | <input type="checkbox"/> Reissue <input type="checkbox"/> Design |
| Publication <input type="checkbox"/> | <input type="checkbox"/> Continuation <input type="checkbox"/> CIP |
| <i>Appel Brief</i> <input checked="" type="checkbox"/> | <input type="checkbox"/> Divisional |
| <input type="checkbox"/> Fee Transmittal | _____ pages (w/abstract) |
| <input type="checkbox"/> Maintenance Fee Payment | _____ claims _____ independent |
| <input type="checkbox"/> PTOL-85B Issue Fee & Publication Fee (with copy) | _____ sheets of drawings |
| <input type="checkbox"/> Cover Letter Regarding Drawings | _____ figures |
| <input type="checkbox"/> Design Patent Application Transmittal | <input type="checkbox"/> I.D.S. form PTO-1449 & Documents <input type="checkbox"/> as attached |
| <input type="checkbox"/> Utility Patent Application Transmittal | <input type="checkbox"/> as listed on reverse |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input type="checkbox"/> One self-addressed postcard |
| <input type="checkbox"/> Request for Continued Examination (RCE) including Submission | <input type="checkbox"/> Certification under 1.97(e) |
| <input type="checkbox"/> Cover Letter | <input type="checkbox"/> Certificate of Mailing (C-O-M) |
| <input checked="" type="checkbox"/> Check No. <u>55876</u> for \$ <u>500.00</u> | <input type="checkbox"/> Returned Envelope |
| <input type="checkbox"/> Credit Card Payment (Form PTO-2038) for \$ _____ | |
| <input type="checkbox"/> Rule 53b and 53f Letter for Unexecuted Application | |
| <input type="checkbox"/> Application Data Sheet | |

In the matter of : CALIPER BODY AND METHOD OF MANUFACTURING CALIPER BODY OF VEHICULAR DISC BRAKE

Applicant : Yoshiaki UMEHARA

Application No. : 09/695,874

Patent No. :

Filed : 10/26/2000

Issued :

Docket : P27286 *Am C*

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Adjustment Date: 12/13/2005 SDIRETA1
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